

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

R.W., a minor, individually by and)
through his parent and natural guardian)
SARAH WILLIAMS, AND SARAH)
WILLIAMS, individually,)

Plaintiffs,)

v.)

C.A. No. 05-662 - KAJ

THE DELAWARE DEPARTMENT OF)
EDUCATION; VALERIE WOODRUFF;)
personally and in her official capacity as the)
Secretary of Education for the State of)
Delaware; THE STATE OF DELAWARE)
BOARD OF EDUCATION; and JOSEPH)
PIKA, Ph.D.; JEAN ALLEN, RICHARD)
M. FARMER, JR.; MARY GRAHAM,)
ESQ.; BARBARA RUTT, DENNIS)
SAVAGE, CLAIBOURNE D. SMITH;)
ANN CASE; VALERIE WOODRUFF;)
personally and in their official capacity as)
Members of the State Board of Education;)
and THE CHRISTINA SCHOOL)
DISTRICT; JOSEPH J. WISE, personally)
And in his official capacity as the)
Superintendent of the District; DAVID)
SUNDSTROM, personally and in his)
official capacity as the Assistant)
Superintendent of the District; SANDRA)
COUNTLEY, personally and in her official)
capacity; SHARON DENNY, personally)
and in her official capacity; FREEMAN)
WILLIAMS, personally and in his official)
capacity; THE CHRISTINA SCHOOL)
DISTRICT SCHOOL BOARD; BRENDA)
PHILLIPS; JAMES DURR; GEORGE)
EVANS, ESQUIRE; BEVERLY HOWELL;)
CONSTANCE MERLET; JOHN)
MACKENZIE; CECELIA SCHERER; and)
JOSEPH WISE; all personally and in their)
official capacity as Members of the)
CHRISTINA SCHOOL DISTRICT.)

Defendants.)

E-FILE

STATE DEFENDANTS' ANSWER TO CROSSCLAIMS

COMES NOW, the State Defendants, the Delaware Department of Education, the State Board of Education, the Honorable Valerie Woodruff, Dr. Joseph Pika, Jean Allen, Richard M. Farmer, Jr., Mary Graham, Esq., Barbara Rutt, Dennis Savage, Dr. Claibourne Smith, and Ann Case, by and through undersigned counsel, Craig R. Fitzgerald, and hereby answer the crossclaims as follows:

1. State Defendants deny the crossclaim for contribution that has been asserted against them to date and also deny any future crossclaims for contribution that may be asserted against them in the future.
2. State Defendants deny the crossclaim for idemnification that has been asserted against them to date and also deny any future crossclaims for indemnification that may be asserted against them in the future.

WHEREFORE, State Defendants request that the Court deny of all the crossclaims.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Craig R. Fitzgerald
Craig R. Fitzgerald, I.D. No. 3730
Deputy Attorney General
102 West Water Street
Dover, Delaware 19904
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Attorney for State Defendants

DATE: October 27, 2005

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2005, I electronically filed *STATE DEFENDANTS' ANSWER TO CROSSCLAIMS* with the Clerk of Court using CM/ECF which will send notification of such filing to the following: Patricia O'Neill, Esquire and William Doerler, Esq.

/s/ Craig R. Fitzgerald
Deputy Attorney General
Department of Justice
102 West Water Street
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